

October 3, 2016

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler:

I am writing to urge the Federal Communications Commission (FCC) to take additional steps to close the "homework gap," the digital divide facing too many students from rural areas and low-income families in New Mexico and across the nation.

Today almost all American schools and libraries have internet access thanks in part to sustained investments over the last 20 years from E-Rate, the nation's largest educational technology initiative. In 2014, the Commission significantly upgraded E-Rate to help schools meet growing demand for bandwidth and support innovative digital learning technologies in the classroom. By overcoming geographic distances, such broadband infrastructure can be particularly helpful for rural schools and libraries in my home state of New Mexico.

Yet a digital divide persists for school children across the country. According to a Pew Research Center analysis of Census Bureau data, five million American households with school-age children do not have high-speed internet service at home.¹ While seven in 10 teachers assign homework that requires internet access, one in three households across the country do not have broadband. This "homework gap" especially impacts students from low-income families living in rural areas. Broadband should help create educational opportunities for these children, not a new barrier to their success at school.

In some small towns and Native American communities in New Mexico, students who do not have internet access at home go to school or library parking lots to access free Wi-Fi after hours. When you visited Acoma Pueblo with me in 2014, we heard how the librarian keeps the Wi-Fi signal on after hours for this purpose. At Hatch Valley High School, FCC Commissioner Jessica Rosenworcel and I met young students who cannot complete and submit some homework assignments from home since they do not have internet access or rely on mobile broadband service with data usage caps. So they come to the school parking lot or the local Pic Quik convenience store where free Wi-Fi is available.

¹ See Horrigan, John. "The numbers behind the broadband 'homework gap'." Pew Research Center. *available at*: <http://www.pewresearch.org/fact-tank/2015/04/20/the-numbers-behind-the-broadband-homework-gap/>, accessed 9-26-16.

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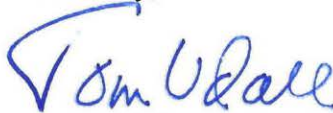
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A Hatch Valley High School student explained to me that his varsity football team travels over an hour by school bus to away games. When he gets back, he sometime does his homework in the parking lot so he can access the school's Wi-Fi signal. He suggested making Wi-Fi available on school buses. This strikes me as a bright idea to help extend internet access to students while they travel to and from school. A handful of school districts are already experimenting with this "Wi-Fi on wheels." Since schools cannot currently use E-Rate to support such service, however, it is unlikely to reach rural schools in my home state of New Mexico.

I therefore call on the Commission to use its existing authority to allow E-Rate to support school bus Wi-Fi service in a manner that is both technically feasible and economically reasonable. If the Commission does not believe that such an initiative is possible under its current authority, I will seek legislation to provide the flexibility to do so. Students in New Mexico and across the country deserve our best efforts to remove barriers to their success in school.

Thank you for your consideration and reply. I look forward to working with you on this important issue.

Sincerely,

A handwritten signature in blue ink that reads "Tom Udall". The signature is stylized, with a large, sweeping "T" and a cursive "Udall".

Tom Udall
United States Senator



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 17, 2016

The Honorable Tom Udall
United States Senate
531 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Udall:

Thank you for your letter recognizing the important role of E-rate in helping to ensure that our nation's schools and libraries have affordable access to high-speed broadband services, and inquiring about the use of E-rate to fund Wi-Fi on school buses.

As you note in your letter, the Commission took major steps in 2014 to modernize the E-rate program. In the two E-rate Modernization Orders, we refocused support on high-speed broadband to and within schools and libraries. Refocusing the program on broadband and raising the annual E-rate cap has allowed us to fund all eligible requests over the last two funding years. Before these changes, we had lacked sufficient funding to meet the full demand for connections within schools and libraries.

You are also right to recognize that even as schools and libraries take advantage of E-rate funding to support the networks needed for one-to-one digital learning, we still face the challenge of having far too many students struggling to keep up with schoolwork because they do not have access to the Internet at home.

One part of the solution is to provide financial support for broadband services to low income families. Earlier this year the Commission modernized the Lifeline program to support broadband connectivity for low-income households, many of which include student-aged children. Our action will provide an additional means of addressing broadband adoption barriers through low-cost broadband availability for low-income consumers.

The E-rate program is also playing a role to address the challenge of broadband access for students outside of school hours. Libraries, which are eligible to receive support through the E-rate program, are the only source of free Wi-Fi in many communities. In addition, the Commission's rules allow for community use of E-rate supported school Internet access services when classes are not in session.¹

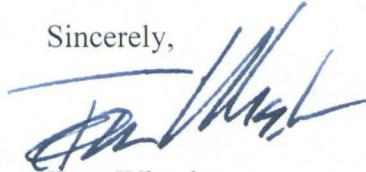
¹ *Schools and Libraries Universal Service Support Mechanism; A National Broadband Plan for our Future*, CC Docket No. 02-6, GN Docket No. 09-51, Order, 25 FCC Rcd 18762, 18774, para. 22 (2010) (*Schools and Libraries Sixth Report and Order*).² 47 U.S.C. §§ 254(h)(2)(A).

Traditionally, the Commission has limited E-rate support to on-campus broadband services to focus E-rate resources on schools and libraries and to remain consistent with statutory provisions. Section 254 of the Communications Act directs the Commission to establish competitively neutral rules “to enhance, to the extent technically feasible and economically reasonable, access to advanced telecommunications and information services for all public and non-profit elementary school classrooms...”²

However, just last month, the Wireline Competition Bureau sought comment on two petitions that raise issues regarding eligibility of off-campus use of E-rate supported services for educational purposes.³ As you mention in your letter, a few school districts have been experimenting with Wi-Fi on school buses, and others have expressed an interest. I fully expect the record in response to the Bureau notice will touch on issues relevant to Wi-Fi on buses. With respect to Wi-Fi on buses, there are particularly interesting issues regarding technical feasibility and economic impact of the cost of equipping buses with Wi-Fi equipment and paying monthly recurring costs to provide broadband services to those buses. We will keep your office apprised of the record in this proceeding.

Thank you for sharing your thoughts on this important issue. As always, I look forward to working with you as we continue to improve this vital program.

Sincerely,



Tom Wheeler

² 47 U.S.C. §§ 254(h)(2)(A).

³ *Wireline Competition Bureau Seeks Comment on Petitions Regarding Off-Campus Use of Existing E-rate Supported Connectivity*, WC Docket No. 13-184, Public Notice, DA 16-1051 (WCD Sept. 19, 2016).